

DUANE A. BOSWORTH, OSB #825077

duanebosworth@dwt.com

TIM CUNNINGHAM, OSB #100906

timcunningham@dwt.com

DAVIS WRIGHT TREMAINE LLP

1300 S.W. Fifth Avenue, Suite 2400

Portland, Oregon 97201-5610

Telephone: (503) 241-2300

Facsimile: (503) 778-5299

Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
AT PORTLAND

PENGUIN GROUP (USA) INC.,

PLAINTIFF,

v.

AMERICAN BUDDHA,

DEFENDANT.

Case No. 3:13-cv-00497-HU

**DECLARATION OF DUANE A.
BOSWORTH IN SUPPORT OF
MOTION FOR LEAVE TO RESPOND
TO SECOND APPLICATION FOR
SPECIAL ADMISSION - *PRO HAC
VICE***

I, Duane A. Bosworth do hereby state and declare as follows:

1. I am an attorney at Davis Wright Tremaine LLP and am one of the attorneys representing plaintiff in this case. This declaration is made in support of Plaintiff's Motion for Leave to Respond to Second Application for Special Admission - *Pro Hac Vice*.

2. Counsel for plaintiff received this Court's order of July 30, 2013 electronically today at 5:54 p.m., although counsel did not become aware of it until 6:30 p.m. The order states in part that any response to the application for special admission *pro hac vice* shall be filed at 4:30 p.m., July 30, 2013, about two hours earlier.

3. In light of several conversations counsel had with existing counsel for defendant, counsel for plaintiff had not yet filed a response, understanding that applicant did not have an effective application pending without addressing LR 83-3(a)(1), associating hereafter with local counsel. More significantly, counsel was also advised of several steps defendant's current counsel was taking that would seek to alter the schedule of multiple matters coming before the Court. The Court's order tonight, however, obviates current defendant's counsel's intentions for tomorrow, July 31, 2013. Counsel respectfully asks this Court for leave to file the response to applicant's resubmitted application for special admission at this time, after the time set in the Court's order tonight.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct, and that this Declaration was executed on this 30th day of July, 2013, at Portland, Oregon.

s/ Duane A. Bosworth
Duane A. Bosworth, OSB #825077